

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

TYRONE E. REID,

Petitioner,

-vs-

ERNIE L. MOORE, Warden,

Respondent.

:

Case No. 3:05-cv-326

:

District Judge Thomas M. Rose
Chief Magistrate Judge Michael R. Merz

:

BRIEFING SCHEDULE; ORDER TO PRODUCE DOCUMENT

This case is before the Court on Petitioner's Motion to Hold this Habeas Corpus Action in Abeyance pending final exhaustion of the constitutional claims raised in Petitioner's post-conviction petition in the state courts (Doc. No. 13). As ordered by the Court, Petitioner has now filed a copy of his petition for post-conviction relief which was denied by the Montgomery County Common Pleas Court on February 7, 2006. Of course, exhaustion requires Petitioner to appeal and he has done so.

Respondent is hereby ordered to file any position Respondent has with respect to the Motion to Hold in Abeyance not later than April 1, 2006.

Petitioner's Motion to Compel Production of Extant Records (Doc. No. 12) has not been

opposed by Respondent within the time allowed by S. D. Ohio Civ. R. 7.2 and is accordingly granted.

March 15, 2006.

s/ Michael R. Merz
Chief United States Magistrate Judge